

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
EASTERN DIVISION

JOHNNIE BENNET

PETITIONER

V.

CIVIL ACTION NO. 4:10CV15 DPJ-FKB

JACQUELYN BANKS

RESPONDENT

ORDER

This cause came on this date to be heard upon the Report and Recommendation of the United States Magistrate Judge, after referral of hearing by this Court. Magistrate Judge F. Keith Ball recommended denial of Johnnie Bennet's motion to voluntarily dismiss his § 2254 petition. The Court, having fully reviewed the unopposed Report and Recommendation of the United States Magistrate Judge entered in this cause, and being duly advised in the premises, finds that said Report and Recommendation [27] should be **adopted** as the opinion of this Court.

IT IS, THEREFORE, ORDERED that the Report and Recommendation of United States Magistrate Judge F. Keith Ball be, and the same is hereby, adopted as the finding of this Court. Petitioner's motion to voluntarily dismiss [23] is **denied**.

As recommended by Judge Ball, Petitioner is granted until **April 15, 2011** to file a supplemental pleading to correct whatever deficiencies Petitioner has identified. Respondent will be given until **May 16, 2011** to file a supplemental response or to inform the Court that she does not intend to respond.

SO ORDERED AND ADJUDGED this the 6th day of April, 2011.

s/ Daniel P. Jordan III
UNITED STATES DISTRICT JUDGE